

# **EXHIBIT A**

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Walter W. Thiemann, et al.

**Plaintiff,**

-v-

**OHSL Financial Corp., et al.**

**Defendant.**

**Case No. C-1-00-793**

**(Judge Sandra S. Beckwith)**

**(Magistrate Judge Timothy S. Hogan)**

**AFFIDAVIT OF JAMES E. BURKE IN  
SUPPORT OF RESPONSE TO ORDER  
TO SHOW CAUSE**

STATE OF OHIO §  
§  
COUNTY OF HAMILTON §

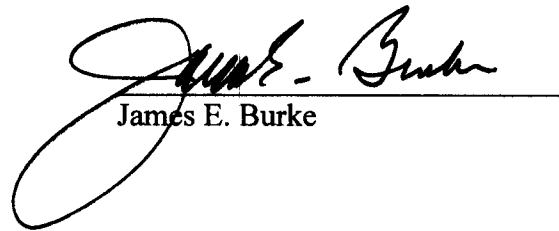
**James E. Burke, being first duly cautioned and sworn, deposes and states as follows:**

1. I am a partner at the firm of Keating, Muething & Klekamp, PLL. and have been a member of the Ohio Bar for approximately 27 years. During my career, my practice has focused on complex corporate and commercial litigation at the trial and appellate level in state and federal court. I have handled cases before courts in Ohio, Illinois, Kentucky, California, New York, Pennsylvania, Michigan, Georgia, Colorado and Delaware. In 1997, I was inducted into the American College of Trial Lawyers. I have first hand knowledge of the facts stated herein and would be competent to testify to them if called as a witness.

2. During my career, I have been involved in hundreds of cases, most of which involved expert witnesses on both sides. My cases often have involved attorneys from other cities across the country. The customary practice during my 27 year legal career, both in this

legal community and the others in which I have practiced, is that each side bears all costs and expenses associated with their own experts, including the costs associated with the expert's deposition and trial testimony. In approximately 27 years of experience before this Court, other courts in Ohio and in other states, I have not paid the expenses of an opposing expert's deposition, nor been requested to under Fed. R. Civ. P. 26(b)(4).

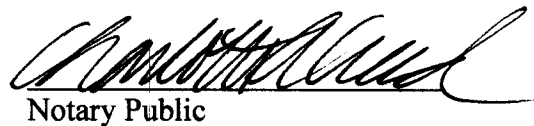
FURTHER AFFIANT SAYETH NAUGHT.

  
James E. Burke

Sworn to before me and subscribed in my presence this 28<sup>th</sup> day of March, 2005 by James E. Burke.



**Charlotte A. Creech, Notary Public  
In and for the State of Ohio  
My Commission Expires July 2, 2007**

  
Notary Public